

NEBRASKA DEPARTMENT
OF INSURANCE

SEP 23 2004

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER
PETITIONER,)	AND ORDER
)	
VS.)	CAUSE NO. A-1587
)	
STACIE M. WADE,)	
)	
RESPONDENT.)	

This matter came on for hearing on the 16th day of September, 2004, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Christy Neighbors. Stacie M. Wade (Respondent) was present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed insurance producer whose registered address with the Department of Insurance is 16820 Frances Street, Suite 200, Omaha, NE 68130.
 2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.
 3. Respondent had her insurance producers license revoked in Cause Number A-1599.
- See E4.

4. In early August, Respondent contacted Beverly Creager (Creager) about the revocation of her insurance producers license. Creager informed respondent that due to her revocation, she would have to apply for reinstatement. See E1.

5. On or about August 11, 2004, Respondent did apply for reinstatement. On that same day, Creager sent Respondent a letter denying reinstatement. In that letter, Respondent was informed of her right to a hearing on the denial. The letter was sent certified to Respondent. See E1.

6. On or about August 17, 2004, Respondent contacted Creager about the status of her licensing application. Creager told Respondent that her application was denied and that she had the right to request a hearing and that the request must be in writing and directed to the Nebraska Department of Insurance's legal division. See E1.

7. On or about September 1, 2004, the certified letter sent to Respondent by Creager was returned by the United States Postal Service marked "unclaimed". See E1.

8. On August 19, 2004, Respondent sent a letter to the Nebraska Department of Insurance requesting a hearing regarding the denial of her application for reinstatement. See E2.

9. A hearing, as noted above, was scheduled and held on the aforementioned date. At the hearing, Respondent was sworn in and testified on her own behalf. During her testimony, Respondent asserted that she did not intentionally send the Department of Insurance bad checks for payment of her previous licensing fees. Rather, Respondent claimed, circumstances beyond her control, namely a problem at her bank, caused an issue with payment on her second check to the Department of Insurance. Respondent also stated that she believes that she enjoys the business of insurance, that she believes she is providing a needed service and that her license should be reinstated.

10. On cross-examination and on questioning by the hearing officer, Respondent admitted that she did not provide sufficient funds in 2002 in either circumstance when given the opportunity to pay the Department of Insurance for her licensing fees. Also See E4. Respondent was also aware that she had an opportunity to enter into a consent order and avoid revocation of her license, however, Respondent admitted that she did not fully read the letter from the Department of Insurance's legal division and did not promptly follow up with an additional phone call and/or any communication with the Department of Insurance. See E5.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to **Neb. Rev. Stat.** §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.
3. Respondent previously violated **Neb. Rev. Stat.** §44-4059(1)(b) and (1) (h) when she failed to submit valid funds with her licensing application by providing the Department with a check on a closed account and when she failed to maintain sufficient funds in her account for the \$95.00 check to be honored and Respondent's license was revoked for said violations.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's application for reinstatement of her Insurance Producer's License be denied. It is the sincerest hope that Respondent continues in her pursuit of a college degree and that she does well in the future. However, the facts are what they are...namely that Respondent failed to pay her licensing fees for over two years and, when given an opportunity to pay a fine and have her license remain intact, she failed to completely read the consent offer made to her by the Department of Insurance and failed to timely act upon that offer. While she tried to pay the amount owed under

the proposed consent order, that money was sent in after the date of the hearing. Unfortunately, Respondent has demonstrated a pattern of incompleteness and financial irresponsibility. An insurance producer simply cannot be incomplete in her work and certainly cannot be financially irresponsible and, sadly, Ms. Wade is. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter until Respondent has complied with all provisions of this order.

Dated this 20th day of September, 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Martin W. Swanson
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska, Department of Insurance vs. Stacie M. Wade, Cause No. A-1587.

Dated this 23rd day of September, 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance